



Hon. Loretta Lynch
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

30 November 2016

Honorable Loretta Lynch,

Amnesty International USA is writing to reiterate our request that your department investigate the actions of the Morton County Sheriff's Department ("MCSD") and other law enforcement agencies in North Dakota regarding the policing of demonstrations against the Dakota Access Pipeline, and, should violations be found, file charges against those responsible. We also reiterate our request that the Civil Rights Division deploy observers to the area to ensure that the rights of Indigenous people and others opposed to the Dakota Access Pipeline are respected and protected.

Since our last letter to you on 28 October, a number of incidents have underscored the need for an investigation into the policing of protests by law enforcement and to send observers to North Dakota:

- On 20 November 2016, demonstrations of the Dakota Access Pipeline construction took place at a barricaded bridge on Highway 1806. According to images captured of the situation, officers sprayed people opposed to the pipeline with water. The weather in the area was documented as being below freezing, with wind chills making the weather feel at least ten degrees colder. While the use of the water cannon may have been necessary to extinguish any fires set to the grasses alongside the bridge, the use of those water cannons risked potential injury and hypothermia in below freezing temperatures. Also alarming are videos of the use of tear

gas, and reports of rubber bullets and concussion grenades used to disperse the crowd of protesters.

- On 25 November 2016, several dozen people took part in an action near the entrance of the Target Department store inside the Kirkwood Mall in Bismarck. After mall security and police requested that participants in the action leave the facility, several arrests were initially made near the storefront. Officers provided an order to disperse and a group of about a dozen activists made their way to an exit of the mall, some locking arms and walking backwards towards the exit, followed closely by several law enforcement officers, as video of the incident shows. At one point, just as the activists were nearing the entrance of the mall, one officer jumps into the middle of the group to either force them through the entranceway or detain and arrest one of the activists. Several officers can then be seen tackling and forcing activists to the ground in order to place them under arrest. While there may have been a verbal interaction between several activists and the officers herding them towards the exits, which can be seen in the video, there is no evidence contained within the video that any of the activists did anything to warrant the use of force in making an arrest in this instance. While the activists were seen to be slowly complying with orders to leave the premises, Amnesty International is concerned that the force used by officers seems neither necessary nor proportionate to making arrests for the act of trespassing on private property. Amnesty International observers documented this scene through video: <https://twitter.com/amnesty/status/802254728390447104>

Amnesty International USA has previously sent observers to Cannon Ball, ND to monitor the police response to those gathered in opposition to the pipeline, and has taken the opportunity to share our concerns about these incidents with the Morton County Sheriff and the Bismarck Police Chief specifically. As of the writing of this letter, Amnesty International USA has not received a response from MCSD, Bismarck Police Department or any other state or county officials that we reached out to regarding our concerns.

We are also deeply concerned that the decisions by the Governor of North Dakota and the U.S. Army Corps of Engineers to close federal land north of the Cannonball River may violate the human rights of Indigenous communities and others opposed to the Dakota Access Pipeline, including their right to peaceful protest. The U.S. government is obligated under international law to respect, protect, and fulfill the human rights of Indigenous people, including their rights to freedom of expression and assembly. It is the legitimate right of people to peacefully express their opinion. Public assemblies should not be considered as the "enemy".

We believe that an investigation by your office of the policing of the Dakota Access Pipeline demonstrations in North Dakota is warranted, and that the Civil Rights Division should deploy observers to the area to ensure that the rights of people opposed to the pipeline are respected, protected and fulfilled. Should your investigators uncover any civil rights violations by law enforcement, individual officers should be charged and prosecuted as warranted.

We thank you for your time and assistance in this matter and welcome any response you might have to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret Huang". The signature is fluid and cursive, with the first name "Margaret" written in a larger, more prominent script than the last name "Huang".

Margaret Huang

Executive Director

Amnesty International USA